**ORDER:**

The petitioner seeks to issue a writ of mandamus directing the respondents to continue and treat him as an employee of the Andhra Pradesh Residential Educational Institution Society (APREIS) i.e., the first respondent herein, as per the proceedings in Rc.No.19710/C3-1/2001 dated 09-06-2001.

As per G.O.Ms.No.51 Social Welfare (TW.EDN.1) Department, dated 03-06-1998, the APREI Society is bifurcated into APREIS and APTWREIS (Andhra Pradesh Tribal Welfare Residential Educational Institutions Society). Consequent upon the said bifurcation, the petitioner gave his option to work at APTWREIS, while he was working at APREIS, Chityala. As per his option, he was allotted to APTWREIS. But no posting order was given to the petitioner to join at APTWREIS. Then, he made a request to continue him as an employee of the first respondent-society. Accordingly, the first respondent issued proceedings dated 09-06-2001 retaining him in the first respondent-society and he was posted at Andhra Pradesh Residential School (BC-B), Doulathabad against the existing vacancy. Since then, the petitioner is working at the first respondent society. Further, the case of the petitioner is that though he was retained as an employee of the first respondent-society, his case was not considered for promotion as Principal in the schools under the management of the first respondent society. Hence, the writ petition.

Learned counsel for the respondents submits that the re-allotment of the petitioner to the first respondent society is illegal and contrary to the policy decision. As he was originally allotted to Gurukulam, his seniority has to be maintained at APTWREIS, but not at the first respondent society and therefore, his case cannot be considered for the promotion to the post of Principal in the first respondent society.

Having regard to the facts and circumstances, I am of the view that as long as the respondents have not cancelled the impugned proceedings dated 09-06-2001, the petitioner shall be treated as an employee of the first respondent society and therefore, he is entitled to be considered for promotion to the post of Principal.

Accordingly, the Writ Petition is allowed. But, however, it is open for the respondents to take appropriate action if they are entitled to re-allot the petitioner to the APTWREIS. No order as to costs.

16-11-2004

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Tuesday, the Sixteenth day of November, Two thousand and four.

REGISTRAR

To

1. The Secretary, A.P.Residential Educational Institution Society, III Floor Gagan Vihar, Nampally, Hyderabad.
2. The Vice Chairman, APREIS and Secretary to Government, Education Department, Secretariat, Saifabad, Hyderabad.
3. Two C.D. copies.

sj